

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to insert headings.

Claims 21-32 are pending in the application. Support for the amendments to independent claim 21 can be found in the specification at page 5, lines 15-20. Support for the amendments to independent claims 24 and 32 can be found in the specification at page 5, lines 15-20, page 6, lines 29-31, and page 6, line 34 to page 7, line 13. The claims have also been amended to correspond to the amendments to the independent claims.

No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC § 103(a)

Claims 21-32 have been rejected under 35 USC § 103(a) as being unpatentable over VAZVAN (WO-9613814) in view of MIYAKE (U.S. Patent 5,886,333) and WYNN (U.S. Patent 5,895,419).

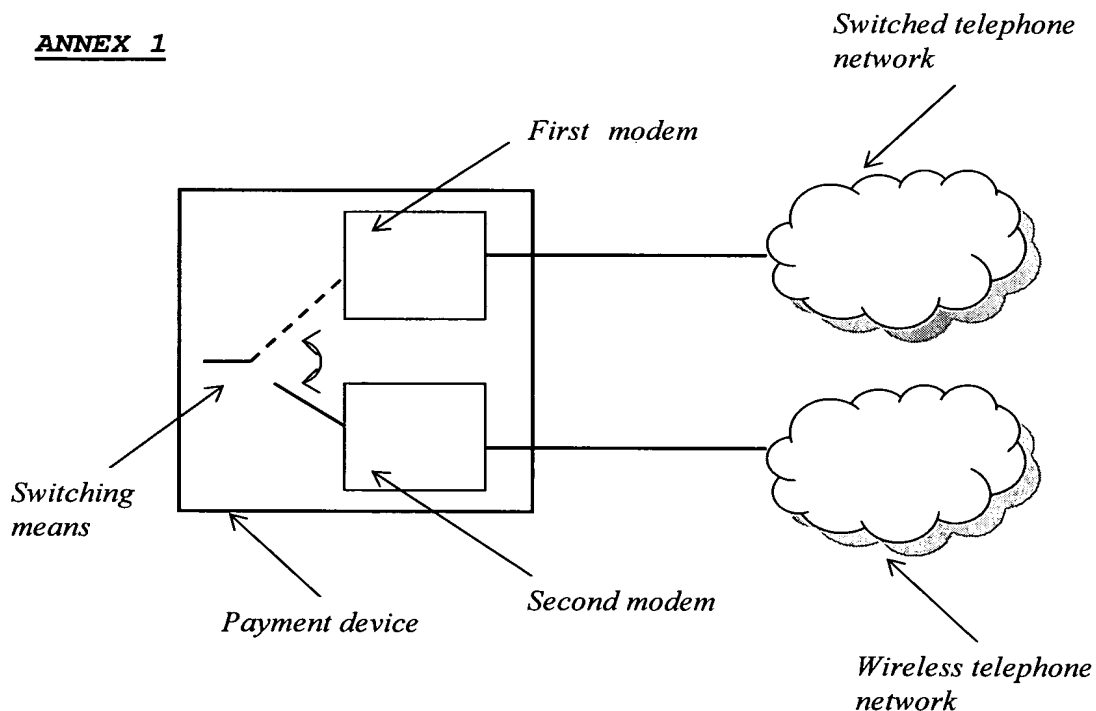
The present invention pertains to a device for acquiring information relating to payment means and for transferring this information to a server center of a banking organization.

A first embodiment of the present invention is set forth, by way of example, in claim 21, which sets forth a device for payment, including first means able to be connected to a switched telephone network, and second means able to be connected

to a wireless telephone network. The device further includes switching means for using the first means or the second means for establishing a telephone link with a server center.

This first embodiment of the present invention is illustrated in Annex 1, below.

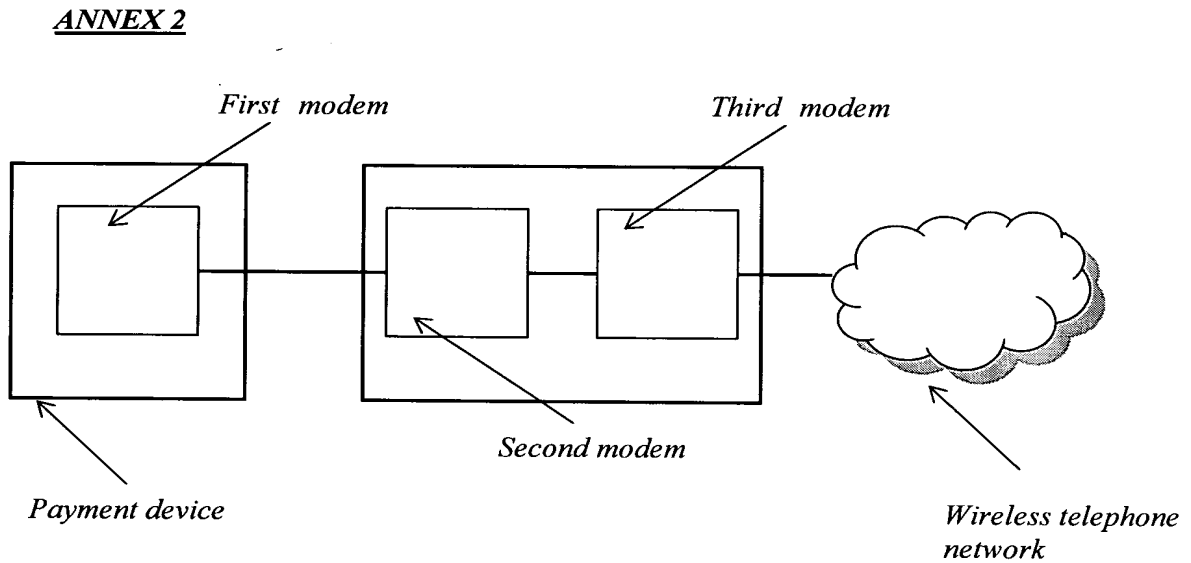
ANNEX 1



A second embodiment of the present invention, such as is exemplified in independent claim 24, pertains to an add-on device intended to be connected to a device for payment, which includes a first means able to be connected to a switched telephone network.

In this second embodiment of the present invention, the claimed add-on device is intended to be connected to the payment device in the place of the switched telephone network. In this

embodiment, it is possible to choose between using a switched telephone network or a wireless telephone network, by respectively not using or using the add-on device. This second embodiment of the present invention is illustrated in Annex 2, below.



VAZVAN pertains to a real time telepayment system. The Official Action refers to Figures 1 and 2 of VAZVAN, which are reproduced below.

FIG 1

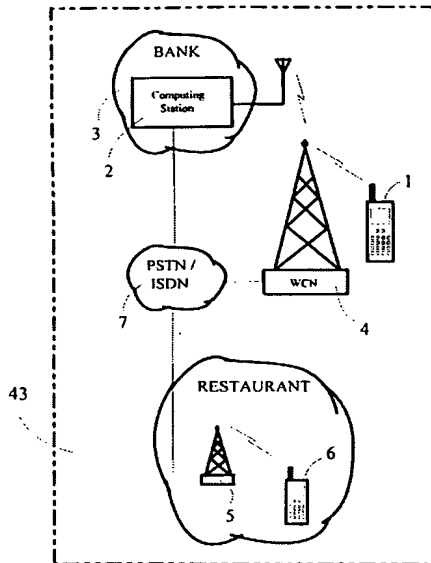
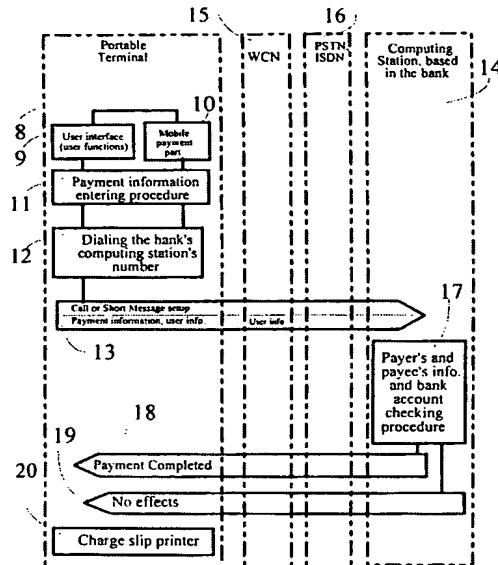


FIG 2



At page 3, lines 1-2 the Official Action asserts that VAZVAN discloses (at page 2, lines 24-30 and at page 4) a portable terminal including first means and a modem formed of **wired** telephony circuits. However, VAZVAN discloses "the portable terminal 6 can be connected through such a network (i.e., *wireless network* - see end of page 3) and PSTN . . . or ISDN . . . to the computing station."

VAZVAN thus fails to disclose wired telephony circuits, as are set forth in the present invention.

Additionally, the Official Action argues matching means, but claim 21 of the present invention does not contain such a feature.

At page 3, lines 3-7, the Official Action acknowledges some of the failures of VAZVAN:

However, Vazvan does not specifically disclose the features of a second means for dialing telephone numbers, said second dialing means being associated with the second modem, wherein the second means for dialing telephone numbers and the associated second modem consist of elements of wireless telephony circuits and a switching facility for selectively placing the central unit in communication with the first or second means for dialing telephone numbers.

At page 5, lines 15-22, the Official Action acknowledges more of the failures of VAZVAN:

However, Vazvan does not specifically disclose the features of a circuit for emulating a switched telephone network, intended to be connected to the device, means for detecting telephone numbers dialed by said first dialing means, a second modem for establishing a telephone link with the server center, second means for dialing telephone numbers, said second dialing means being associated with the second modem, wherein the second means for dialing telephone numbers and the associated second modem consist of elements of wireless telephony circuits, and means for matching the speeds of transmission of the data transmitted between the first and second means for dialing telephone numbers.

The Official Action turns to MIYAKE and WYNN to address the failures of VAZVAN, and asserts that these references clearly teach aspects of the present invention.

However, MIYAKE and WYNN fail to address the deficiencies of VAZVAN sufficient to induce one of ordinary skill and creativity to produce a claimed embodiment of the present invention. That is, none of the applied art discloses or infers

the advantageous combination of modems, switched telephone network and/or wireless telephony network of the present invention.

The Official Action also uses similar arguments against independent claim 24 as were used against independent claim 21. However, the Official Action fails to recognize the two different embodiments of the present invention represented by claims 21 and 24 (and 32) as illustrated in Annex 1 and Annex 2 above.

One of ordinary skill and creativity would thus fail to produce independent claims 21, 24 and 32 of the present invention from a knowledge of VAZVAN, MIYAKE and WYNN, and a *prima facie* case of unpatentability has thus not been made. Claims depending upon claim 21, 24 or 32 are patentable for at least the above reasons.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

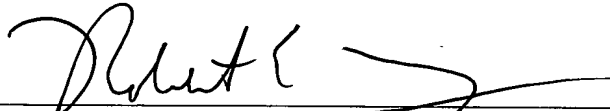
The rejection is believed to have been overcome, obviated or rendered moot and that no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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